



PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Henry Houh

Application No.: 09/920,469

Filed: August 1, 2001

Entitled: METHOD AND APPARATUS
FOR UTILIZING A NETWORK
PROCESSOR AS PART OF A
TEST SYSTEM

Docket: EMPIR-018AUS

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

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Certificate of Mailing (37 C.F.R. 1.8(a))

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16-OCT-2002

Date of Signature
and Mail Deposit

By:

David W. Rouille

David W. Rouille

Reg. No. 40.150

Agent for Applicant(s)

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

It is desired to cite for the record in this application the enclosed documents listed on the attached copy of PTO Form #1449. The paragraph(s) marked below are applicable to this Information Disclosure Statement.

[X] (1) The enclosed Information Disclosure Statement is being filed within three months of the filing date or within three months of the entry of the national stage

of the above-identified application or before the mailing of a first Office Action on the merits. Accordingly, Applicant(s) believes that no fee or certification is required.

☐ (1a) Applicant(s) believe the enclosed Information Disclosure Statement is entitled to the benefit of 37 C.F.R. § 1.97 (b) (3). Accordingly, Applicant(s) believe that no fee or certification is required.

☐ (1b) Pursuant to 37 C.F.R. § 1.97(c), the enclosed Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:

☐ a certification under 37 C.F.R. § 1.97(e); ☐ the fee set forth in § 1.17(p).

PETITION UNDER 37 C.F.R. § 1.97(d)

☐ (2) Pursuant to 37 C.F.R. § 1.97(d), Applicant(s) hereby petition the Assistant Commissioner to consider the attached Information Disclosure Statement. Applicant(s) state that the issue fee has not been paid and that a certification under 37 C.F.R. § 1.97(e) is provided herein, along with the petition fee of \$130.00 required under 37 C.F.R. § 1.17(i).

CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (1)

☐ (3) The undersigned hereby certifies that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application mailed not more than three months prior to the filing of this statement.

CERTIFICATION UNDER 37 C.F.R. § 1.97 (e) (2)

☐ (4) The undersigned hereby certifies that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counter part foreign application or, to the knowledge of the undersigned, after making reasonable inquiry, was known to any individual having a

duty of disclosure as set forth in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this statement.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy Rule 98(a) (3) even if in a foreign language, since the few terms of relevance therein are deemed of universal cognizance. However, Applicant(s) does not necessarily adopt the position reflected by that report.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845.

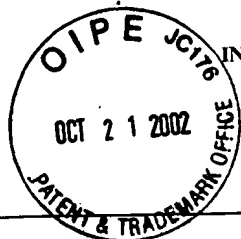
Respectfully submitted,

DALY, CROWLEY & MOFFORD, LLP

By: David W. Rouille
David W. Rouille
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Dated: 16-Oct-2002

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U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
EMPIR-018AUSAPPLICATION NO.
09/920,469

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

APPLICANT
Henry HouhFILING DATE
August 1, 2001GROUP
Not Yet Assigned

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE*
	6 0 5 8 1 0 2	5/2/00	Drysdale et al.			
	5 4 9 9 2 3 5	3/12/96	Houdoin et al.			

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FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	EP 0 759 683 A2	2/26/97	EP				
	WO 98 26541	6/18/98	PCT				

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)

	International Search Report for PCT/US01/24356
	"Internet Simulator", Radcom Product Leaflet, Online, November 1999.
	"AudioPro VoIP Network Monitoring & Analysis", Radcom Product Leaflet, Online, November 1999.
	"The Right Tool for the Right Job", Internet Telephony, Online, May 2000.
	Maeshima O et al., "A Method of Service Quality Estimation with a Network Measurement Tool", Performance, Computing and Communications Conference, 1999, IEEE International Scottsdale, February 1999, pages 201-209.
	Ishikura M et al., "A Traffic Measurement Tool for IP-Based Networks", IEICE Transactions on Information and Systems, April 1999, vol. E82-D, no. 4, pages 756-761.
	Protogeros A et al., "Traffic Analyser and Generator. \Traffic Capture, Generation, Statisits and Network Integrity Tests Program in C", Computer Communications, October 1990, vol. 13, no. 8, pages 469-477.

Examiner

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and considered. Include copy of this form with next communication to applicant.



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PTO/SB/21 (08-00)
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/920,469	
	Filing Date	August 1, 2001	
	First Named Inventor	Henry Hough	
	Group Art Unit	Not Yet Assigned	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	164	Attorney Docket Number	EMPIR-018AUS

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<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	10 Cited References
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	Copy of International Search Report
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	In the event a petition for extension of time is required by this paper and not otherwise provided, such petition is hereby made and authorization is provided herewith to charge deposit account No. 50-0845 for the cost of such extension.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	David W. Rouille Reg. No. 40,150 Daly, Crowley & Mofford, LLP
Signature	<i>David W. Rouille</i>
Date	16-OCT-2002

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Typed or printed name	David W. Rouille
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